# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/068,816 | 02/05/2002 | Felix G.T.I. Andrew | MSFT-1210(126608.2) | 2569 |

7590          03/27/2009

Woodcock Washburn LLP
46th Floor
One Liberty Place
Philadelphia, PA 19103

| EXAMINER |
|---|
| STRANGE, AARON N |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2453 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 03/27/2009 | PAPER |

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
| | 10/068,816 | ANDREW ET AL. |
| **Office Action Summary** | Examiner | Art Unit | |
| | AARON STRANGE | 2453 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on <u>21 January 2009</u>.
2a) ☐ This action is **FINAL**.    2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) <u>21-23,26-31 and 34-46</u> is/are pending in the application.
    4a) Of the above claim(s) <u>41-46</u> is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>21-23,26-31 and 34-40</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All    b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**
1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

# DETAILED ACTION

## *Election/Restrictions*

1.      Newly submitted claims 41-46 directed to an invention that is independent or

distinct from the invention originally claimed for the following reasons: Claims 41-46 are

directed to a server based shared view system that receives requests from host

computers and transmits data pertaining to the requests to slave computers based on a

slave/host client file. This is distinct from the originally claimed system, which is a client

based shared view system that receives requests and processes them at host

computer, rather than a server.

Since applicant has received an action on the merits for the originally presented

invention, this invention has been constructively elected by original presentation for

prosecution on the merits.  Accordingly, claims 41-46 are withdrawn from consideration

as being directed to a non-elected invention.  See 37 CFR 1.142(b) and MPEP §

821.03.

## *Response to Arguments*

2.      Applicant's arguments filed 1/21/09 have been fully considered but they are not

persuasive.

3.      With regard to claim 40, and Applicant's assertion that "Fin fails to contemplate

the exchange of cookie data between two clients" (Remarks 10), it is noted that the

rejection was based on the combination of Fin, Montulli, Grosser and Bladow. When considered in combination, Fin and Montulli teach this feature.

Fin teaches intercepting actions, such as opening a web page, by a host computer and providing information necessary to replicate the action to a slave computer (col. 7, ll. 17-31). Montulli teaches that some websites exchange state information via cookies sent to clients to enable additional functionality (col. 7, ll. 20-23 and 45-54).

One of ordinary skill in the art would have recognized that the cookie information is a necessary part of replicating requests for a web page that uses the state information in the cookie. Therefore, when considering the combined teachings of Fin and Montulli, it would have been obvious to one of ordinary skill in the art to provide the cookie information to the slave computer(s) to ensure that they can properly access the page requested by the host computer.

4.      With further regard to claim 40, and Applicant's assertion that Bladow "is completely different and for a different purpose than the present system" because "the cookie information is stored on a server, not a client" (Remarks 11), it is noted that Bladow was not relied upon to teach the storage location of any cookie information.

In this case, Bladow was cited simply for its teaching of deleting cookie information in response to termination of a communication session. The rationale behind deleting cookie information that is no longer needed remains the same regardless of whether the hosts cookie information is stored at a server or at another

client, since the primary purpose of deletion is to prevent other parties from having

access to the host's cookie information unless necessary.

The test for obviousness is not whether the features of a secondary reference

may be bodily incorporated into the structure of the primary reference; nor is it that the

claimed invention must be expressly suggested in any one or all of the references.

Rather, the test is what the combined teachings of the references would have

suggested to those of ordinary skill in the art.  See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981).


5.      With regard to claim 21, and Applicant's assertion that the prior art of record fails

to disclose "determining required cookie data that describes state information of a host

client in relation to a server and not of a slave client in relation to the server" (Remarks

12), the Examiner respectfully disagrees.

As discussed above regarding claim 40, Fin teaches intercepting actions, such

as opening a web page, by a host computer and providing information necessary to

replicate the action to a slave computer (col. 7, ll. 17-31) and Montulli teaches that some

websites exchange state information via cookies sent to clients to enable additional

functionality (col. 7, ll. 20-23 and 45-54).

One of ordinary skill in the art would have recognized that the cookie information

is a necessary part of replicating requests for a web page that uses the state

information in the cookie. Therefore, the cookie information included with the locator

would have been cookie information describing state information of the host client, since

it it is the actions of the host client, including any actions dependent on state information

in the cookie that the slave client is attempting to replicate. Providing cookie information

associated with the slave client in relation to the server would not necessarily produce

the same output, since the state information in the slave client's cookie may differ from

the state information in the host client's computer.

### Claim Rejections - 35 USC § 101

6.      35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

7.      Claims 21-23, 26-29 and 40 are rejected under 35 U.S.C. 101 because the

claimed invention is directed to non-statutory subject matter.

8.      Claim 21 is directed to a "host client computer" comprising a "browser

application", a "communications interface" and a "shared view engine". The specification

states that the functionality of the "communications interface" may be performed by the

shared view engine (p. 9, ll. 21-22), which is software "residing on" the host client (p. 9,

ll. 15-16). Since the browser application is also software, the claim is directed to a "host

client computer" comprising software alone. Since the claim contains no elements

limited to hardware, the claim includes at least some software-only embodiments and is

therefore non-statutory.

It is additionally noted that claim 30 is directed to computer-executable instructions for performing the functions of the claimed "browser application", "communications interface" and "shared view engine". This provides additional evidence that the claimed elements are directed to software per se.

9.      Claim 40 is also directed to a host client comprising "browser application", a "communications interface" and a "shared view engine". Therefore, it is rejected under the same rationale as claim 21.

10.      All claims not individually rejected are rejected by virtue of their dependency from the above claims and their failure to remedy the above noted deficiencies.

### Claim Rejections - 35 USC § 103

11.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12.      Claims 21-23, 26, 28, 30, 31, 34 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fin et al. (US 6,240,444) in view of Montulli (US 5,774,670) further in view of Grosser, Jr. et al. (US 6,473,798).

13.    With regard to claim 21, Fin discloses a host client computer comprising:

a browser application (web browser 130)(col. 5, ll. 20-21) that issues a request

for content on a server (web browser sends a request for a page through TCP/IP

interface)(col. 7, ll. 17-21), the request comprising a locator (URL) corresponding to the

content (col. 7, ll. 17-18);

a communications interface (TCP/IP interface 120) (col. 4, ll. 38-40; col. 7, ll. 19-

21) to a communications network (network 115) for establishing a communications link

between the host client computer and at least one slave client computer on the

communications network (requests are sent via network 115 to slave computer)(col. 7,

ll. 25-31); and

a shared view engine for receiving an identification of the at least one slave client

computer, intercepting the request issued by the browser (request is intercepted by CCI

redirector)(col. 7, ll. 21-25), and providing, via the communications link to the slave

client, a message comprising the locator (intercepted requests are sent to the slave

client 150B via the network)(col. 7, ll. 25-31).

Fin fails to specifically disclose that required cookie data describing state

information of the host client in relation to the server is provided, along with the

requests, to the at least one slave client or that the communications link utilizes a

tunneling protocol.

Montulli teaches a means of adding state information to HTTP, permitting web

servers and clients to exchange state information for a variety of purposes (col. 7, ll. 45-

54). Montulli teaches including cookies in client requests (col. 7, ll. 20-23) to exchange

the state information and enable additional functionality. This would have been an advantageous addition to the system disclosed by Fin since it would have allowed state information associated with the host computer, such as user login information, to be shared with the slave computers, permitting the slave computers to access the page when they did not have the appropriate cookie stored locally.

Grosser discloses that use of a tunneling protocol over a communication link to protect communications between devices on that link is well-known in the art (col. 1, ll. 33-56). This would have been an advantageous addition to the system disclosed by Fin and Montulli since it would have allowed the client devices to communicate in a protected manner, ensuring that unauthorized users would not be able to intercept the communications among the client devices.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a tunneling protocol to protect communications between the clients and to include cookie information in the requests issued by the host computer, and provide the required cookie data to the slave clients along with the intercepted request, since it would have allowed state information to be used for retrieving pages during a shared browsing session.

14.     With regard to claim 22, Fin further discloses that the server is a Web server (Web server 110), the content is a Web page, and the locator is a Universal Resource Locator (URL) corresponding to the Web page (col. 7, ll. 17-21).

15.     With regard to claim 23, Fin further discloses the host computer establishing a

plurality of communications links to a plurality of slave client computers on the

communications network (host computer may share pages with multiple receivers)(col.

5, ll. 59-63).


16.     With regard to claim 26, Fin further discloses that the communications network is

the Internet (col. 4, ll. 42-43).


17.     With regard to claim 28, Fin further discloses that the communications network is

a wide area network (the Internet)(col. 4, ll. 42-43).


18.     Claims 30, 31, 34, 37 and 38 are rejected under the same rationale as claims 21-

23, 26 and 28, since they recite substantially identical subject matter. Any differences

between the claims do not result in patentably distinct claims and all of the limitations

are taught by the above cited art. In particular, Fin discloses that the client contains

software for performing the claimed process (col. 4, l. 66 to col. 5, l. 7)


19.     With regard to claim 39, Fin further discloses issuing by a browser application on

the slave client computer a request for content from the server (any participant in the

shared browsing session can request a new URL)(col. 13, l. 65 to col. 14, l. 5; col. 19, ll.

34-37).

20.     Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fin et al.
(US 6,240,444) in view of Montulli (US 5,774,670) further in view of Grosser, Jr. et al.
(US 6,473,798) further in view of Bladow et al. (US 6,115,040) further in view of Official
Notice.

21.     As discussed regarding claim 21, Fin, Montulli and Grosser substantially teach
the claimed system, including storing a copy of the current state of a client cookie file on
the salve client. However, they fail to specifically teach that the host client cookie data is
deleted from the slave client upon receipt of a termination signal that terminates the
communication link by saving a copy of the slave client cookie file and restoring the
original copy after the session has ended.

Bladow teaches deleting cookie data upon receipt of a termination signal for a
communication session. When a termination signal is received, the cookie associated
with the current session is located and deleted (col. 17, ll. 42-49). This would have been
an advantageous addition to the system disclosed by Fin, Montulli and Grosser since it
would have ensured that cookie data supplied by the host client is not maintained on
slave client computers beyond the end of the shared browsing session, helping to
protect the information contain in the host client's cookie files. However, Bladow fails to
teach restoring the cookie file based on an earlier saved copy, since it simply deletes
the cookie data associated with a session upon termination of the session.

The Examiner takes Official Notice that saving a copy of a file and subsequently
restoring the copy to eliminate any changes made to the file was old and well known in

the art at the time the invention was made. One of ordinary skill in the art would have

known that using "restore points" created by saving copies of a file would have been an

effective way of removing the host client cookie information, and would have been a

predictable variation of tracking and deleting the cookie information as taught by

Bladow.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to delete the cookie data upon receipt of a termination

session by restoring the slave client's cookie file to an earlier state to protect the user of

the host client by ensuring that the provided cookie data is removed from the slave

client computers.

22.     Claims 27, 29, 35 and 36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Fin et al. (US 6,240,444) in view of Montulli (US 5,774,670) further in

view of Grosser, Jr. et al. (US 6,473,798) further in view of Renaud (US 6,021,491).

23.     With regard to claims 27, 29, 35 and 36, while the system disclosed by Fin,

Montulli and Grosser shows substantial features of the claimed invention (discussed

above), it fails to disclose that the communications network is an intranet or a local area

network. Fin fails to specify requirements for the communications network, stating only

that it is a TCP/IP network and/or the Internet in some embodiments (col. 4, ll. 35-43).

Renaud teaches that web servers and clients may be connected using a variety

of communications networks, including LANs and intranets (col. 5, ll. 30-38). It would

have been advantageous to extend the system for use on LANs and intranets to permit

users of those network types to share web pages.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to extend the system for use on LANs and intranets to

permit web page sharing on those network types.


### *Conclusion*

24.     Any inquiry concerning this communication or earlier communications from the

examiner should be directed to AARON STRANGE whose telephone number is

(571)272-3959.  The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Firmin Backer can be reached on 571-272-6703.  The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system.  Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron Strange/
Examiner, Art Unit 2453